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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,707	12/08/2000	Pontus Soderstrom	AXISP001	1724
28436	7590	05/04/2005	EXAMINER	
IP CREATORS P. O. BOX 2789 CUPERTINO, CA 95015			MIRZA, ADNAN M	
			ART UNIT	PAPER NUMBER
			2145	
DATE MAILED: 05/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,707

Applicant(s)

SODERSTROM ET AL.

Examiner

Adnan M. Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being unpatentable by Knight et al (U.S. 6,289,375).

As per claim 1, Knight et al disclosed networked optical storage server configured to couple a plurality of user across a network and the networked optical storage server comprising: at least one optical storage media; a network module configured to couple to the network for packet based communication with the plurality of users (col. 5, lines 59-65); at least one memory coupled between the network module and the at least one optical storage media; and a processor coupled to the at least one volatile memory and configured to coalesce in the volatile memory

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multiple data packets received from the plurality of users into a single corresponding aggregate data packet and to write each data packet to the at least one optical storage media (col. 6, lines 47-58), thereby reducing a number of write operations required to write data to the at least one optical storage media. Examiner interpreted the above statement by Knight as the Host received the data to be written on the optical storage device in the first step process and in the second step process the data is being pulled from the host and local sites and being saved on the CD-ROM or any optical storage device.

3. As per claims 2¹⁹, Knight disclosed further comprising: the at least one volatile memory including: a first memory for receiving data packets from the plurality of users; a second memory; and the processor further configured to coalesce the received data packets from the first memory into the single corresponding aggregate data packet in the second memory (col. 8, lines 5-14); and to write each aggregate data packet in the second memory to the at least one optical storage media (col. 7, lines 54-67 & col. 8, lines 1-4).

4. As per claims 3, Knight disclosed wherein each aggregate data packet further comprises at least one of: data corresponding with a single file of data from a plurality of the network packets received from a corresponding one of the users (col. 13, lines 46-51); and data corresponding with multiple files of data from the plurality of network packets received from corresponding ones of the users (col. 13, lines 46-67).

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5. As per claim 4, Knight disclosed further comprising: a hard drive coupled to the processor; and the processor further responsive to a cache policy selection by an administrative one of the users to cache on the hard drive, a cached copy of a selected one of: directories of corresponding file structures stored on the at least one optical storage media; directories and data stored on the at least on optical storage media (col. 5, lines 45-65); and an archived copy of data on the at least one optical storage media' accessible after removal of the at least one optical storage media from the server; thereby decreasing an amount of time required to provide the corresponding cached copy to the plurality of users (col. 6, lines 41-67).

6. As per claim 5, Knight disclosed a networked optical storage server configured to couple to a plurality of users across a network, and the optical storage server comprising: at least one optical storage media; a network module configured to couple to the network for packet based communications with the plurality of users; a hard drive and a processor coupled to the hard drive, and the processor responsive to a cache policy selection by an administrative one of the users to cache on the hard rive (col. 22, lines 18-26), a selected cached copy of: directories of corresponding file structures stored on the at least one optical storage media; directories and data stored on the at least one optical storage media; and an archived copy of data on the at least one optical storage media accessible after removal of the at least one optical storage media from the server; thereby decreasing an amount of time required to provide the corresponding cached copy to the plurality of users (col. 13, lines 46-67).

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7. As per claim 6, Knight disclosed a method executed on an optical storage server configured to couple to a plurality of users across a network, comprising the acts of providing at least one optical storage media; coupling to the network for packet based communications with the plurality of users (col. 24, lines 46-58); coalescing multiple data packets received from the plurality of users into a single corresponding aggregate data packets and writing each aggregate data packet coalesced in the coalescing act to the at least one optical storage media, thereby reducing a number of write operations required to write data to the at least one optical storage media (col. 12, lines 29-49).

8. As per claim 7, Knight disclosed wherein each single corresponding aggregate data packet coalesced in the coalescing act further comprises at least one of: data corresponding with a single life of data from a plurality of the network packets received from a corresponding one of the users; and data corresponding with multiple files of data from the plurality of network packets received from corresponding ones of the users (col. 8, lines 54-67).

9. As per claim 8, Knight disclosed method further comprising: providing a hard drive; selecting a cache policy for the caching of data on the hard drive; and caching on the hard drive, responsive to the selection of cache policy (col. 22, lines 18-26), a cache copy of selected on of directories of corresponding file structures on the at least one optical storage media; directories and data stored on the at least one optical storage media; and an archived copy of data on the at least one optical storage media, accessible after removal of the at least one optical storage media

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from the server; thereby decreasing an amount of time required to provide the corresponding cached copy to the plurality of users (col. 12, lines 29-49).

Response to Arguments

Applicant's arguments filed 02/02/05 have been fully considered but they are not persuasive.

Response to arguments are as follows.

10. Applicant argued that prior art did not disclose an optical storage device.

As to applicants argument, Knight disclosed "However storage devices 120-129, 241-263 could be other types of mass data storage devices, such as magnetic tape, optical disk, floppy disk, etc (col. 6, lines 61-64).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

13. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin Wallace can be reached on (571)-272-6159. The fax for this group is (703)-746-7239.

14. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

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15. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C. 20231


Or faxed to:

Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II,
2021 Crystal Drive, Arlington, VA 22202.



Adnan Mirza

Examiner



VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700